

1  
2  
3  
4  
5  
6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-707

11 **KRISTEL JEANINE DODSON**  
12 8575 Thoroughbred Street  
13 Alta Loma, CA 91701

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

14 Registered Nurse License No. 732291

15  
16 Respondent.

**FINDINGS OF FACT**

17 1. On or about February 14, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her  
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
19 Consumer Affairs, filed Accusation No. 2011-707 against Kristel Jeanine Dodson (Respondent)  
20 before the Board of Registered Nursing. A copy of the Accusation is attached as **Exhibit A**.

21 2. On or about July 23, 2008, the Board of Registered Nursing (Board) issued  
22 Registered Nurse License No. 732291 to Respondent. The Registered Nurse License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
24 2011, unless renewed.

25 3. On or about February 14, 2011, Respondent was served by Certified and First Class  
26 Mail copies of the Accusation No. 2011-707, Statement to Respondent, Notice of Defense,  
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
28 and 11507.7) at Respondent's address of record which, pursuant to California Code of

1 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board,  
2 which was and is: 8575 Thoroughbred Street, Alta Loma, CA 91701.

3 4. Service of the Accusation was effective as a matter of law under the provisions of  
4 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
5 124.

6 5. On or about February 28, 2011, the signed postal return card for the certified mailing  
7 was returned by the U.S. Postal Service, indicating that the service package was received and  
8 signed for by the addressee on February 16, 2011. A true and correct copy of the signed postal  
9 return card is attached as **Exhibit B** hereto and incorporated by this reference. The first class  
10 mailing was not returned and presumed delivered to the addressee.

11 6. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
14 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

15 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
16 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-  
17 707.

18 8. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions  
21 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

22 9. Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
26 file at the Board's offices regarding the allegations contained in Accusation No. 2011-707, finds  
27 that the charges and allegations in Accusation No. 2011-707, are separately and severally, found  
28 to be true and correct by clear and convincing evidence.

1           10. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement is \$8,396.25 as of March 21, 2011.

4                                   DETERMINATION OF ISSUES

5           1. Based on the foregoing findings of fact, Respondent Kristel Jeanine Dodson has  
6 subjected her Registered Nurse License No. 732291 to discipline.

7           2. The agency has jurisdiction to adjudicate this case by default.

8           3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
9 Nurse License based upon the following violations alleged in the Accusation which are supported  
10 by the evidence contained in the Default Decision Evidence Packet in this case.:

11           A. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and  
12 (f), and 490 in conjunction with California Code of Regulations, title 16, section 1444, in that  
13 Respondent was convicted in two instances of crimes which are substantially related to the  
14 qualifications, functions, and duties of a registered nurse, as follows:

15                   (1) On or about March 22, 2010, after pleading guilty, Respondent was convicted  
16 of two misdemeanor offenses - Use/Under the Influence of a Controlled Substance – Heroin  
17 (Health and Safety Code Section 11550(A) and Willful Cruelty to a Child (Penal Code section  
18 273 (A)) in the criminal proceeding entitled *The People of the State of California v. Kristel*  
19 *Jeanine Dodson* (Superior Court of San Bernardino county, Rancho Cucamonga District, 2010,  
20 Case No. FWV1000567). Respondent was sentenced to serve 45 days in the San Bernardino  
21 County jail facility, and ordered to report to a residential drug treatment facility at the completion  
22 of her prison term. Respondent was further placed on criminal probation for four years, and  
23 ordered to complete a parenting class.

24                   (2) Circumstances of the conviction are that on or about March 14, 2010,  
25 Respondent and a male companion drove to the city of San Bernardino in a vehicle with  
26 Respondent's minor children, ages 6 and 8, in order to purchase heroin. After purchasing heroin,  
27 Respondent and the companion used the heroin within sight of the children, then proceeded to  
28 additional destinations with the children in the vehicle.

1       B. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
2 defined by section 2762, subdivision (c) on grounds of unprofessional conduct, in that  
3 Respondent obtained and self-administered the drug Heroin, a Schedule I controlled substance, in  
4 March of 2010, said acts resulting in her misdemeanor conviction for violation of Health and  
5 Safety Code section 11550, subdivision (a) on or about March 22, 2010 as described more fully in  
6 paragraph A above.

7       C. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
8 defined by section 2762, subdivision (c) and section 4060, on grounds of unprofessional conduct,  
9 in that Respondent illegally obtained and possessed Heroin, a Schedule I controlled substance, in  
10 March of 2010, said acts resulting in her misdemeanor conviction for violation of Health and  
11 Safety Code section 11550, subdivision (a) on or about March 22, 2010 as described more fully in  
12 paragraph A above.

13       D. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
14 defined by section 2762, subdivision (b) on grounds of unprofessional conduct, in that  
15 Respondent used controlled substances, dangerous drugs to an extent or in a manner dangerous or  
16 injurious to herself or others as follows:

17               **(1) Termination from Diversion Program – May 2009**

18               Respondent sought treatment for drug addiction in May of 2009, enrolling in the  
19 Board's Diversion Program. However, she was terminated from the program 10 days after  
20 enrollment, on or about May 30 2009. At the time of termination, the Program notified the Board  
21 that Respondent had been deemed a risk to public safety.

22               **(2) Admitted Regular Use of Heroin (March 2009 – March 2010)**

23               In an interview in July of 2010, Respondent admitted regular and/or habitual use of  
24 heroin for approximately one year, between March 2009 and March 2010. Respondent stated that  
25 after she was terminated from her registered nursing position at Pomona Valley Hospital Medical  
26 Center (March 2009) – she used heroin daily for a month – stopped – then started using “once in a  
27 while” until approximately May 2009. Respondent was uncertain of the quantity used, but stated  
28

1 that it was "a lot, maybe two or three times a day," and that she ingested the drug "(in) all forms,  
2 smoke, snort, injection, all of those."

3 **(3) Criminal Misconduct Related to Drug Use (March 2010)**

4 As described more fully in paragraph 19 above, on or about March 14, 2010  
5 Respondent engaged in criminal misconduct related to acquisition and use of the drug heroin, for  
6 which she obtained two misdemeanor convictions on March 22, 2010 (Use/Under the Influence  
7 of a Controlled Substance – Heroin (Health and Safety Code Section 11550(A) and Willful  
8 Cruelty to a Child (Penal Code section 273 (A))). Respondent's sentence included orders to report  
9 to a residential drug treatment facility at the completion of her jail term.

10 E. Respondent is subject to disciplinary action under Business and Professions Code  
11 section 2761, subdivision (a) and /or (d), on grounds of unprofessional conduct, as defined in  
12 Business and Professions Code section 2762, subdivision (a) for violating Health and Safety Code  
13 sections 11170, 11171 and 11173 , subdivision (a) in that while on duty as a registered nurse at  
14 the Pomona Valley Hospital Medical Center (PVH ) in Pomona,CA, on December 4 and 5, 2008,  
15 Respondent obtained and possessed controlled substances and dangerous drugs, by use of fraud,  
16 deceit, misrepresentation and/or subterfuge as follows:

17 (1) On or about December 15, 2008, after several instances in which Respondent could  
18 not be located during work hours, or appeared unable to perform her normal job responsibilities  
19 and maintained a tired, sleepy demeanor, Respondent's supervisors investigated medication  
20 administration records of Respondent's patients.

21 **(2) Patient 513530**

22 Investigation of medication withdrawals by Respondent disclosed irregularities in  
23 medication records for Patient 513530, as follows:

24 (a) 3 pre-filled syringes of injectable Dilaudid (Hydromorphone) withdrawn by  
25 Respondent for this patient were unaccounted for in medical records.

26 (b) Respondent did not chart the medication as given to the patient in medical  
27 administration records.

28 (c) The medication was prescribed "as needed for severe pain." However no pain

or distress of the patient prior to the withdrawal of the medication by Respondent was noted. To the contrary, Respondent charted that the patient was not in pain.

#### SUMMARY OF MEDICATION RECORDS

Patient	Ordered	Pulled	Wasted	MAR/Charted	Discrepancies
(P.P.) 12/4/08 #513530	Hydromorphone Inj 2mg .5mg =.25mL (Every 3hrs as needed for severe pain level 7-10)	Hydromorphone 2mg Inj @08:47 @11:53 @14:55 @18:26*	Hydromorphone .75 @08:48 @11:54 @14:55 @18:27	Hydromorphone .5mg =.25mL @08:00 @12:00 @15:00 (also @ 03:20 by other)	Pain scale from 0800-2000 = 0 No distress charted. *Not charted as given. <b>Missing:</b> 1 Hydromorphone Inj .5mg/.25mL
12/05/08	Hydromorphone Inj 2mg .5mg = .25 mL (Every 3 hrs as needed for severe pain level 7-10)	Hydromorphone 2mg Inj @08:01 @10:52 @14:12* @17:58*	Hydromorphone .75 @08:02 @10:52 @14:13 @17:59	Hydromorphone .5mg = .25mL @08:00 @11:15	Pain scale from 0800-2000 = 0 No distress charted. *Not charted as given. <b>Missing:</b> 2 Hydromorphone Inj .5mg/.25mL

F. Respondent is subject to disciplinary action under Business and Professions Code section 2761, subdivisions (a) and (d) on grounds of unprofessional conduct, as defined in Business and Professions Code section 2762, subdivision (e), in that while on duty as a registered nurse at the Pomona Valley Hospital Medical Center (PVH ) in Pomona, CA, on December 4, 5 and 8, 2008, Respondent falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records pertaining to controlled substances and dangerous drugs for at least 3 patients, as follows:

(1) **Patient 513530**

As described in paragraph 23 (b) above irregular and inconsistent entries were made by Respondent regarding injectable Dilaudid (Hydromorphone) withdrawn for use of the patient on December 4 and 5, 2008 as follows:

(1) 3 pre-filled syringes of injectable Dilaudid (Hydromorphone) were unaccounted for in medical records.

(b) Respondent failed to chart the medication as given in medical administration

records.

(c) The medication was prescribed "as needed for severe pain." However no pain or distress of the patient prior to the withdrawal of the medication by Respondent was noted. To the contrary, Respondent charted that the patient was not in pain.

(2) **Pain Medication Withdrawn Despite Charting Indicating the Patient Was Not in Pain**

Review of medication records for three of Respondent's patients on December 4, 5 and 8, 2008, disclosed a pattern of charted administration of pain medication, where 'no pain or distress' was expressly charted by Respondent. This inconsistency was observed in records of three patients: Patient 513530 (noted above in sub-paragraph (a) and in records of Patients 1020116 (S) and 449015 (PT) summarized as follows:

**SUMMARY OF MEDICATION RECORDS**

Patient	Ordered	Pulled	Wasted	MAR/Charted	Discrepancies
(S) 12/4/08 #1020116	Lorazepam Tab 1mg	Lorazepam Tab 1mg @10:06 @10:07 @17:09	Lorazepam Tab 1mg @10:07 (dispenser malfunction)	Lorazepam Tab 1mg @10:00 @17:00	Pain scale from 0800- 2000 = Distress level = 0 No distress charted. Charted prior to meds being pulled.
	Hydrocodone 2 Tab (Vicodin 5/500mg) for severe pain level 7-10)	Hydrocodone 2 Tab @07:47 @12:43 (1 tab) @17:09		Hydrocodone 2 Tab @17:30 @12:30 @17:00	
12/5/08	Xanax 1 Tab .25mg	Xanax 1 Tab .25mg		Xanax 1 Tab .25mg @09:00	Pain scale from 0800- 2000 = Distress level = 0 No distress charted. Charted prior to meds being pulled *Note charted as given.
	Lorazepam Tab 1mg	Lorazepam Tab 1mg @13:45		Lorazepam Tab 1mg @13:30	
	Hydrocodone 2 Tab (Vicodin 5/500mg) for severe pain level 7-10)	Hydrocodone 2 Tab @08:34 @13:54		Hydrocodone 2 Tab @08:45 @13:30	
(P.T.) 12/8/08 #449015	Morphine Inj 4mg 2mg = .5mL	Morphine Inj 4mg/1mL @10:13	Morphine Inj .50 @10:13 @14:52	Morphine Inj @10:15 @14:45	

	(2mg needed for moderate pain level 3-6)	@14:50		
	Hydromorphone Inj 2mg = 1mL (For severe pain level 7-10)	Hydromorphone Inj 2mg/1mL @08:39 @17:52	Hydromorphone Inj 2mg/1mL @10:12 (Patient refused)	Hydromorphone Inj 2mg @18:00 (also @22:45 by other staff)
	Hydrocodone Tab (Vicodin 5/500 twice daily)	Hydrocodone 1 Tablet @09:00		Hydrocodone Tab @9:00 (also @ 21:00 by other)

### ORDER

IT IS SO ORDERED that Registered Nurse License No. 732291, heretofore issued to Respondent Kristel Jeanine Dodson, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 12, 2011.

It is so ORDERED July 13, 2011.



FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

50860097.DOC  
DOJ Matter ID:LA2010600844

Attachment:  
**Exhibit A:** Accusation



# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 SUSAN MELTON WILSON  
Deputy Attorney General  
4 State Bar No. 106902  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-4942  
6 Facsimile: (213) 897-2804  
E-mail: Susan.Wilson@doj.ca.gov  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-707**

13 **KRISTEL JEANINE DODSON**  
8575 Thoroughbred Street  
14 Alta Loma, CA 91701

**A C C U S A T I O N**

15 **Registered Nurse License No. 732291**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about July 23, 2008, the Board of Registered Nursing issued Registered Nurse  
24 License Number 732291 to Kristel Jeanine Dodson (Respondent). The Registered Nurse License  
25 was in full force and effect at all times relevant to the charges brought herein and will expire on  
26 October 31, 2011, unless renewed.

27 ///

28 ///

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

...

7. Section 2762 of the Code states:

///

1 "In addition to other acts constituting unprofessional conduct within the meaning of this  
2 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
3 chapter to do any of the following:

4 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
5 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or  
6 administer to another, any controlled substance as defined in Division 10 (commencing with  
7 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as  
8 defined in Section 4022.

9 "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
10 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
11 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
12 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
13 ability to conduct with safety to the public the practice authorized by his or her license.

14 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
15 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
16 or the possession of, or falsification of a record pertaining to, the substances described in  
17 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
18 thereof.

19 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
20 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this  
21 section, in which event the court order of commitment or confinement is prima facie evidence of  
22 such commitment or confinement.

23 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
24 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this  
25 section."

26 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
27 revoke a license on the ground that the licensee has been convicted of a crime substantially  
28

related to the qualifications, functions, or duties of the business or profession for which the license was issued.

9. Section 4060 of the Code provides in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician..."

10. Section 2770.11 of the Code provides:

(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by the committee and approved by the program manager. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program.

(b) If the program manager determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the program manager shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding."

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

12. Health and Safety Code Section 11170 provides:

"No person shall prescribe, administer, or furnish a controlled substance for himself."

13. Health and Safety Code Section 11171 provides:

No person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division."

14. Health and Safety Code Section 11173 provides at subdivision (a):

1 "No person shall obtain or attempt to obtain controlled substances, or procure or attempt  
2 to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,  
3 misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

4 15. Health and Safety Code section 11350 provides at subdivision (a) that possession  
5 of any controlled substance classified in Schedule III, IV, or V of the Health and Safety Code,  
6 which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or  
7 veterinarian licensed to practice in this state, is a crime punishable by imprisonment in the state  
8 prison.

9 16. California Code of Regulations, title 16, section 1444, states:

10 "A conviction or act shall be considered to be substantially related to the qualifications,  
11 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
12 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
13 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

14 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
15 subdivision (d) of Penal Code Section 11160.

16 "(b) Failure to comply with any mandatory reporting requirements.

17 "(c) Theft, dishonesty, fraud, or deceit.

18 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the  
19 Penal Code."

#### 20 DEFINITIONS

21 17. **Dilaudid/Hydromorphone** is a Schedule II controlled substance pursuant to Health  
22 and Safety Code Section 11055(b)(1)(K) and a dangerous drug per Business and Professions  
23 Code Section 4022, Dilaudid is a trade name for Hydromorphone.

24 18. **Heroin** is a highly addictive opium derivative and a Schedule I controlled substance  
25 pursuant to Health and Safety Code Section 11054 (c)(11) and is a dangerous drug per Business  
26 and Professions Code Section 4022.

27 ///

28 ///

1. **FIRST CAUSE FOR DISCIPLINE**

2. **(Substantially Related Convictions)**

3. 19. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and  
4. (f), and 490 in conjunction with California Code of Regulations, title 16, section 1444, in that  
5. Respondent was convicted in two instances of crimes which are substantially related to the  
6. qualifications, functions, and duties of a registered nurse, as follows:

7. **USE OF CONTROLLED SUBSTANCE (HEROIN) – 2010**

8. **WILLFUL CRUELTY TO CHILD - 2010**

9. a. On or about March 22, 2010, after pleading guilty, Respondent was convicted  
10. of two misdemeanor offenses - Use/Under the Influence of a Controlled Substance – Heroin  
11. (Health and Safety Code Section 11550(A) and Willful Cruelty to a Child (Penal Code section  
12. 273 (A)) in the criminal proceeding entitled *The People of the State of California v. Kristel*  
13. *Jeanine Dodson* (Superior Court of San Bernardino county, Rancho Cucamonga District, 2010,  
14. Case No. FWV1000567). Respondent was sentenced to serve 45 days in the San Bernardino  
15. County jail facility, and ordered to report to a residential drug treatment facility at the completion  
16. of her prison term. Respondent was further placed on criminal probation for four years, and  
17. ordered to complete a parenting class.

18. b. Circumstances of the conviction are that on or about March 14, 2010,  
19. Respondent and a male companion drove to the city of San Bernardino in a vehicle with  
20. Respondent's minor children, ages 6 and 8, in order to purchase heroin. After purchasing heroin,  
21. Respondent and the companion used the heroin within sight of the children, then proceeded to  
22. additional destinations with the children in the vehicle.

23. **SECOND CAUSE FOR DISCIPLINE**

24. **(Conviction of Offense Involving Self-Administration of Controlled Substance)**

25. 20. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
26. defined by section 2762, subdivision (c) on grounds of unprofessional conduct, in that  
27. Respondent obtained and self-administered the drug Heroin, a Schedule I controlled substance, in  
28.

1 March of 2010, said acts resulting in her misdemeanor conviction for violation of Health and  
2 Safety Code section 11550, subdivision (a) on or about March 22, 2010 as described more fully in  
3 paragraph 19 above.

### 4 **THIRD CAUSE FOR DISCIPLINE**

#### 5 **(Possession of Controlled Substance)**

6 21. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
7 defined by section 2762, subdivision (c) and section 4060, on grounds of unprofessional conduct,  
8 in that Respondent illegally obtained and possessed Heroin, a Schedule I controlled substance, in  
9 March of 2010, said acts resulting in her misdemeanor conviction for violation of Health and  
10 Safety Code section 11550, subdivision (a) on or about March 22, 2010 as described more fully in  
11 paragraph 19 above.

### 12 **FOURTH CAUSE FOR DISCIPLINE**

#### 13 **(Dangerous Use of Controlled Substances)**

14 22. Respondent is subject to disciplinary action under section 2761, subdivision (a) as  
15 defined by section 2762, subdivision (b) on grounds of unprofessional conduct, in that  
16 Respondent used controlled substances, dangerous drugs to an extent or in a manner dangerous or  
17 injurious to herself or others as follows:

#### 18 **a. Termination from Diversion Program – May 2009**

19 Respondent sought treatment for drug addiction in May of 2009, enrolling in the  
20 Board's Diversion Program. However, she was terminated from the program 10 days after  
21 enrollment, on or about May 30 2009. At the time of termination, the Program notified the Board  
22 that Respondent had been deemed a risk to public safety.

#### 23 **b. Admitted Regular Use of Heroin (March 2009 – March 2010)**

24 In an interview in July of 2010, Respondent admitted regular and/or habitual use of  
25 heroin for approximately one year, between March 2009 and March 2010. Respondent stated that  
26 after she was terminated from her registered nursing position at Pomona Valley Hospital Medical  
27 Center (March 2009) – she used heroin daily for a month – stopped – then started using “once in a  
28 while” until approximately May 2009. Respondent was uncertain of the quantity used, but stated



1 that it was "a lot, maybe two or three times a day," and that she ingested the drug "(in) all forms,  
2 smoke, short, injection, all of those."

3 c. **Criminal Misconduct Related to Drug Use (March 2010)**

4 As described more fully in paragraph 19 above, on or about March 14, 2010  
5 Respondent engaged in criminal misconduct related to acquisition and use of the drug heroin, for  
6 which she obtained two misdemeanor convictions on March 22, 2010 (Use/Under the Influence  
7 of a Controlled Substance – Heroin (Health and Safety Code Section 11550(A) and Willful  
8 Cruelty to a Child (Penal Code section 273 (A)). Respondent's sentence included orders to report  
9 to a residential drug treatment facility at the completion of her jail term.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **POMONA VALLEY HOSPITAL MEDICAL CENTER**  
12 **(Obtaining Controlled Substances by Fraud, Deceit, Misrepresentation or Subterfuge)**

13 23. Respondent is subject to disciplinary action under Business and Professions Code  
14 section 2761, subdivision (a) and /or (d), on grounds of unprofessional conduct, as defined in  
15 Business and Professions Code section 2762, subdivision (a) for violating Health and Safety Code  
16 sections 11170, 11171 and 11173 , subdivision (a) in that while on duty as a registered nurse at  
17 the Pomona Valley Hospital Medical Center (PVH ) in Pomona, CA, on December 4 and 5, 2008,  
18 Respondent obtained and possessed controlled substances and dangerous drugs, by use of fraud,  
19 deceit, misrepresentation and/or subterfuge as follows:

20 a. On or about December 15, 2008, after several instances in which Respondent could  
21 not be located during work hours, or appeared unable to perform her normal job responsibilities  
22 and maintained a tired, sleepy demeanor, Respondent's supervisors investigated medication  
23 administration records of Respondent's patients.

24 b. **Patient 513530**

25 Investigation of medication withdrawals by Respondent disclosed irregularities in  
26 medication records for Patient 513530, as follows:

- 27 (1) 3 pre-filled syringes of injectable Dilaudid (Hydromorphone) withdrawn by  
28 Respondent for this patient were unaccounted for in medical records.

- (2) Respondent did not chart the medication as given to the patient in medical administration records.
- (3) The medication was prescribed "as needed for severe pain." However no pain or distress of the patient prior to the withdrawal of the medication by Respondent was noted. To the contrary, Respondent charted that the patient was not in pain.

#### SUMMARY OF MEDICATION RECORDS

Patient	Ordered	Pulled	Wasted	MAR/Charted	Discrepancies
(P.P.) 12/4/08 #513530	Hydromorphone Inj 2mg .5mg = .25mL (Every 3hrs as needed for severe pain level 7-10)	Hydromorphone 2mg Inj @08:47 @11:53 @14:55 @18:26*	Hydromorphone .75 @08:48 @11:54 @14:55 @18:27	Hydromorphone .5mg = .25mL @08:00 @12:00 @15:00 (also @ 03:20 by other)	Pain scale from 0800-2000 = 0 No distress charted. *Not charted as given. <u>Missing:</u> 1 Hydromorphone Inj .5mg/.25mL
12/05/08	Hydromorphone Inj 2mg .5mg = .25 mL (Every 3 hrs as needed for severe pain level 7-10)	Hydromorphone 2mg Inj @08:01 @10:52 @14:12* @17:58*	Hydromorphone .75 @08:02 @10:52 @14:13 @17:59	Hydromorphone .5mg = .25mL @08:00 @11:15	Pain scale from 0800-2000 = 0 No distress charted. *Not charted as given. <u>Missing:</u> 2 Hydromorphone Inj .5mg/.25mL

#### SIXTH CAUSE FOR DISCIPLINE

#### POMONA VALLEY HOSPITAL MEDICAL CENTER

#### (Falsified or Inconsistent Hospital Records)

24. Respondent is subject to disciplinary action under Business and Professions Code section 2761, subdivisions (a) and (d) on grounds of unprofessional conduct, as defined in Business and Professions Code section 2762, subdivision (e), in that while on duty as a registered nurse at the Pomona Valley Hospital Medical Center (PVH) in Pomona, CA, on December 4, 5 and 8, 2008, Respondent falsified, made grossly incorrect, grossly inconsistent, or unintelligible entries in hospital and patient records pertaining to controlled substances and dangerous drugs for at least 3 patients, as follows:

///

///

a. **Patient 513530**

As described in paragraph 23 (b) above irregular and inconsistent entries were made by Respondent regarding injectable Dilaudid (Hydromorphone) withdrawn for use of the patient on December 4 and 5, 2008 as follows:

- (1) 3 pre-filled syringes of injectable Dilaudid (Hydromorphone) were unaccounted for in medical records.
- (2) Respondent failed to chart the medication as given in medical administration records.
- (3) The medication was prescribed "as needed for severe pain." However no pain or distress of the patient prior to the withdrawal of the medication by Respondent was noted. To the contrary, Respondent charted that the patient was not in pain.

b. **Pain Medication Withdrawn Despite Charting Indicating the Patient Was Not in Pain**

Review of medication records for three of Respondent's patients on December 4, 5 and 8, 2008, disclosed a pattern of charted administration of pain medication, where 'no pain or distress' was expressly charted by Respondent. This inconsistency was observed in records of three patients: Patient 513530 (noted above in sub-paragraph (a) and in records of Patients 1020116 (S) and 449015 (PT) summarized as follows:

SUMMARY OF MEDICATION RECORDS					
Patient	Ordered	Pulled	Wasted	MAR/Charted	Discrepancies
(S) 12/4/08 #1020116	Lorazepam Tab 1mg	Lorazepam Tab 1mg @10:06 @10:07 @17:09	Lorazepam Tab 1mg @10:07 (dispenser malfunction)	Lorazepam Tab 1mg @10:00 @17:00	Pain scale from 0800- 2000 = Distress level = 0 No distress charted. Charted prior to meds being pulled.
	Hydrocodone 2 Tab (Vicodin 5/500mg) for severe pain level 7-10)	Hydrocodone 2 Tab @07:47 @12:43 (1 tab) @17:09		Hydrocodone 2 Tab @17:30 @12:30 @17:00	

12/5/08	Xanax 1 Tab .25mg	Xanax 1 Tab .25mg		Xanax 1 Tab .25mg @09:00	Pain scale from 0800-2000 = Distress level = 0 No distress charted. Charted prior to meds being pulled *Note charted as given.
	Lorazepam Tab 1mg	Lorazepam Tab 1mg @13:45		Lorazepam Tab 1mg @13:30	
	Hydrocodone 2 Tab (Vicodin 5/500mg) for severe pain level 7-10)	Hydrocodone 2 Tab @08:34 @13:54		Hydrocodone 2 Tab @08:45 @13:30	
(P.T.) 12/8/08 #449015	Morphine Inj 4mg 2mg = .5mL (2mg needed for moderate pain level 3-6)	Morphine Inj 4mg/1mL @10:13 @14:50	Morphine Inj .50 @10:13 @14:52	Morphine Inj @10:15 @14:45	
	Hydromorphone Inj 2mg = 1mL (For severe pain level 7-10)	Hydromorphone Inj 2mg/1mL @08:39 @17:52	Hydromorphone Inj 2mg/1mL @10:12 (Patient refused)	Hydromorphone Inj 2mg @18:00 (also @22:45 by other staff)	
	Hydrocodone Tab (Vicodin 5/500 twice daily)	Hydrocodone 1 Tablet @09:00		Hydrocodone Tab @9:00 (also @ 21:00 by other )	

### PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 732291, issued to Kristel Jeanine Dodson;
2. Ordering Kristel Jeanine Dodson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/14/11

*Louise R. Bailey*  
 LOUISE R. BAILEY, M.ED., RN  
 Executive Officer  
 Board of Registered Nursing  
 Department of Consumer Affairs  
 State of California  
 Complainant

LA2010600844  
 60568492.doc

# Exhibit B

Postal Return Card

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

|||||  
**Kristel Jeanine Dodson**  
8575 Thoroughbred Street  
Alta Loma, CA 91701

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Date of Delivery

2-7-11

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7008 0500 0001 8078 9128

PS Form 3811, February 2004

Domestic Return Receipt

DPSR 2/14

102595-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

RECEIVED  
BOARD OF  
REGISTERED NURSING  
SACRAMENTO

7:26

Please print your name, address, and ZIP+4 in this box •

2011 FEB 28



Board of Registered Nursing  
Attn: Kami Pratab - Enforcement Program  
PO Box 944210  
Sacramento, CA 94244-2100

CALIFORNIA  
BOARD OF REGISTERED NURSING

FEB 22 2011